

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/10/2025

MEMORANDUM ENDORSED

U.S. BANK NATIONAL ASSOCIATION, in
its capacity as Trustee, JOSHUA N. TERRY,
and ACIS CAPITAL MANAGEMENT, L.P.,

Plaintiffs,

v.

THE CHARITABLE DONOR ADVISED
FUND, L.P., CLO HOLDCO LTD.,
NEXPOINT DIVERSIFIED REAL ESTATE
TRUST, and NHF TRS LLC,


Defendants.

Case No. 1:21-cv-11059-GHW

The parties have stipulated to the dismissal of this action
under F.R.C.P. 41(a)(1)(A)(ii). The Clerk of Court is directed
to terminate all pending motions and to close this case.

SO ORDERED.

Dated: March 10, 2025
New York, New York


GREGORY H. WOODS
United States District Judge

STIPULATION OF VOLUNTARY DISMISSAL

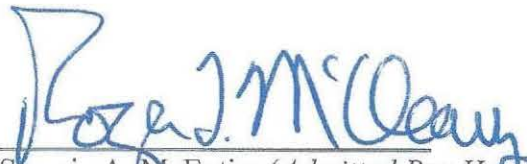
IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs U.S. Bank
National Association, in its capacity as Trustee, Joshua N. Terry, and Acis Capital Management,
L.P. (collectively, "Plaintiffs") and Defendants The Charitable Donor Advised Fund, L.P. and
CLO HoldCo, Ltd. (collectively "Defendants") and Counter Defendants Highland CLO Funding
Ltd and Brigade Capital Management (together with Plaintiffs and Defendants, the "Parties"),
pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, that the above-
captioned action is voluntarily dismissed with prejudice, with the Parties each bearing their own
fees and costs.

Dated: March 10, 2025



Mark D. Kotwick
Thomas Ross Hooper
Julie J. Hong
SEWARD & KISSEL LLP
One Battery Park Plaza
New York, New York 10004
(212) 574-1200
Kotwick@sewkis.com
Hooper@sewkis.com
Hong@sewkis.com
**Counsel for Plaintiff U.S. Bank National
Association, as Trustee**

Jonathan E. Pickhardt
Blair A. Adams
Jeffrey Arnier
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(212) 849-7000
jonpickhardt@quinnemanuel.com
blairadams@quinnemanual.com
jefferyarnier@quinnemanual.com
**Counsel for Plaintiffs ACIS Capital
Management, L.P. and Joshua N. Terry**



Sawnie A. McEntire (*Admitted Pro Hac Vice*)
PARSONS MCENTIRE MCCLEARY PLLC
1700 Pacific Avenue, Suite 4400
Dallas, Texas 75201
(214) 237-4300
smcentire@pmmlaw.com

Roger L. McCleary (*Admitted Pro Hac Vice*)
PARSONS MCENTIRE MCCLEARY PLLC
One Riverway, Suite 1800
Houston, Texas 77056
(713) 960-7315
rmccleary@pmmlaw.com

Lindsey R. Skibell
Jewel K. Tewiah
GLENN AGRE BERGMAN & FUENTES LLP
55 Hudson Yards, 20th Floor
New York, NY 10001
(212) 358-5600
rskibell@glennagre.com
jtewiah@glennagre.com
**Counsel for Defendants CLO HoldCo, Ltd.
and The Charitable Donor Advised Fund, L.P.**



Uri A. Itkin
Michael Chen
AKIN GUMP STRAUSS HAUSER & FELD
LLP
Bank of America Tower
1 Bryant Park
New York, New York 10036
(212) 872-1027
**Counsel for Counter-Defendant Highland
CLO Funding, Ltd.**


Dated: March 10, 2025

Mark D. Kotwick
Thomas Ross Hooper
Julie J. Hong
SEWARD & KISSEL LLP
One Battery Park Plaza
New York, New York 10004
(212) 574-1200
Kotwick@sewkis.com
Hooper@sewkis.com
Hong@sewkis.com
***Counsel for Plaintiff U.S. Bank National
Association, as Trustee***

Sawnie A. McEntire (*Admitted Pro Hac Vice*)
PARSONS MCENTIRE MCCLEARY PLLC
1700 Pacific Avenue, Suite 4400
Dallas, Texas 75201
(214) 237-4300
smcentire@pmmlaw.com

Roger L. McCleary (*Admitted Pro Hac Vice*)
PARSONS MCENTIRE MCCLEARY PLLC
One Riverway, Suite 1800
Houston, Texas 77056
(713) 960-7315
rmccleary@pmmlaw.com

Lindsey R. Skibell
Jewel K. Tewiah
GLENN AGRE BERGMAN & FUENTES LLP
55 Hudson Yards, 20th Floor
New York, NY 10001
(212) 358-5600
rskibell@glennagre.com
jtewiah@glennagre.com
***Counsel for Defendants CLO HoldCo, Ltd. and
The Charitable Donor Advised Fund, L.P.***



Jonathan E. Pickhardt
Blair A. Adams
Jeffrey Arnier
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(212) 849-7000
jonpickhardt@quinnemanuel.com
blairadams@quinnemanual.com
jefferyarnier@quinnemanual.com
***Counsel for Plaintiffs ACIS Capital
Management, L.P. and Joshua N. Terry***

Uri A. Itkin
Michael Chen
AKIN GUMP STRAUSS HAUSER & FELD
LLP
Bank of America Tower
1 Bryant Park
New York, New York 10036
(212) 872-1027
***Counsel for Counter-Defendant Highland
CLO Funding, Ltd.***



Jason C. Hegt

Alexis Kellert Godfrey

LATHAM & WATKINS LLP

1271 Avenue of the Americas

New York, NY 10020

(212) 906-1200

Jason.Hegt@lw.com

Alexis.Godfrey@lw.com

Counsel for Counter-Defendant Brigade

Capital Management, LP